

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1776 be amended to read as follows:

- 1       Page 71, after line 27, begin a new paragraph and insert:
- 2       "SECTION 8. IC 2-5-1.1-12 IS ADDED TO THE INDIANA CODE
- 3       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4       1, 2001]: **Sec. 12. (a) The definitions in IC 1-1-3.5 and IC 3-5-2**
- 5       **apply throughout this section.**
- 6       **(b) As used in this section, "committee" refers to the census data**
- 7       **advisory committee established by IC 2-5-19-2.**
- 8       **(c) As used in this section, "council" refers to the legislative**
- 9       **council established by section 1 of this chapter.**
- 10       **(d) As used in this section, "GIS" refers to the geographic**
- 11       **information system that the office is required to establish and**
- 12       **maintain under subsection (g)(9).**
- 13       **(e) As used in this section, "office" refers to the office of census**
- 14       **data established by subsection (f).**
- 15       **(f) The office of census data is established within the legislative**
- 16       **services agency.**
- 17       **(g) The office shall do the following:**
- 18           **(1) Advise and assist the Bureau of the Census and the**
- 19           **committee in defining the boundaries of census blocks in**
- 20           **Indiana.**
- 21           **(2) Advise and assist the committee in coordinating the state's**
- 22           **efforts to obtain an accurate population count in each federal**
- 23           **decennial census.**
- 24           **(3) Work with other state and federal agencies to assist in the**
- 25           **Census Bureau's local review program conducted in Indiana.**
- 26           **(4) Participate in national associations of state governments**
- 27           **to obtain information regarding census count activities**
- 28           **conducted by other states.**
- 29           **(5) Advise and assist the committee in the preparation and**
- 30           **organization of decennial census data for use in congressional**
- 31           **and state legislative redistricting.**

(6) Work with political subdivisions following each decennial census to provide information and assistance concerning special censuses, special tabulations, and corrected population counts.

(7) Work with the election division, state agencies, and political subdivisions to maintain accurate information concerning the boundaries of precincts and political subdivisions.

(8) Provide technical assistance to counties, the election commission, and the election division to comply with Indiana law concerning establishing a precinct (as defined in IC 3-11-1.5-1).

(9) Establish and maintain a geographic information system that contains the boundaries of all precincts, legislative districts, and congressional districts. The geographic information system may contain other boundaries and information as determined by the executive director of the legislative services agency or as required by the council.

(10) Perform other census and mapping research as determined by the executive director of the legislative services agency or as required by the council.

(h) The office shall provide the election division a network connection to the GIS. The network connection must do the following:

(1) Provide the election division with read access to the GIS.

(2) Enable the election division to download any information, including maps, contained in the GIS.

(i) The election division is the agency through which public access to information contained in the GIS shall be provided.

SECTION 9. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 33.9. "Office" refers to the office of census data established by IC 2-5-1.1-12.

SECTION 10. IC 3-6-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. (a) Each county election board shall submit a report to the election division after each primary, special, municipal, and general election describing the activities of the board during the previous year. The board shall include the following in the report:

(1) Information relating to the expenses of office maintenance and elections within the county or political subdivisions within the county.

(2) A copy of the statement of the county election board containing the votes cast for each candidate and on each public question in each precinct at the last election preceding the submission of the report.

(3) Any additional information relating to elections that the

commission prescribes.

(b) The report described in subsection (a) must be postmarked or hand delivered to the election division not later than fourteen (14) days after each election.

**(c) The election division shall send a copy of each report to the office not later than ten (10) days after receiving the report.**

SECTION 11. IC 3-11-1.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. As used in this chapter, "GIS" refers to the geographic information system maintained by the office under IC 2-5-1.1-12.**

SECTION 12. IC 3-11-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. A county executive shall establish precincts so that each boundary of each precinct follows:

- (1) a boundary described in section 4 of this chapter;
- (2) a boundary of a town;
- (3) a boundary of a town legislative body district;
- (4) a boundary of a census block established by the Bureau of the Census and depicted on census block boundary maps filed with the election division; in the GIS; or
- (5) a boundary of a school corporation that does not follow a census block line.

SECTION 13. IC 3-11-1.5-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.5. (a) This section applies when the ~~election division office~~ determines that a boundary depicted on a census block boundary map prepared by the United States Bureau of the Census is in error.

(b) The commission may approve a precinct boundary under this chapter that follows a corrected boundary as determined by the commission. The election division shall

~~(1) record this approval in the minutes of the commission. and~~

**(2) (c) The office shall annotate the corrected boundary line on the census block boundary map retained by the division. in the GIS.**

SECTION 14. IC 3-11-1.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 15. The order described in section 14 of this chapter must include the following:

- (1) A map of each precinct to be established by the proposed order. **A county may submit maps required by this subdivision in electronic form.**
- (2) A description of the boundaries of each precinct to be established by the proposed order that identifies any census blocks located entirely within the precinct.
- (3) An estimated number of voters in each precinct to be established by the proposed order, based on the registration records maintained by the circuit court clerk or board of registration.
- (4) A statement designating a polling place for the precinct that

1 complies with the polling place accessibility requirements  
2 adopted by the commission.

3 (5) Any additional information required by rules adopted by the  
4 commission under IC 4-22-2.

5 SECTION 15. IC 3-11-1.5-17 IS AMENDED TO READ AS  
6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. **(a) The election  
7 division shall send a copy of a precinct establishment order:**

8 **(1) submitted under section 14 or 30 of this chapter; or**

9 **(2) resubmitted under section 20 of this chapter;**

10 **to the office for comment.**

11 **(b) The office shall review the order and may make any  
12 technical comments the office considers appropriate.**

13 **(c) The co-directors or an employee designated by the co-directors  
14 shall examine:**

15 **(1) the proposed precinct establishment order; and**

16 **(2) the comments of the office;**

17 to determine if the order would establish precincts in compliance with  
18 this chapter.

19 SECTION 16. IC 3-11-1.5-20.5 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20.5. (a) This section  
21 applies when:

22 (1) a county executive is advised that a proposed precinct  
23 establishment order does not comply with this chapter; and

24 (2) the county executive determines that the noncompliance  
25 cannot be corrected by the establishment of a precinct that  
26 complies with both:

27 (A) the maximum voter requirement of section 3 of this  
28 chapter; and

29 (B) the precinct boundary requirements of section 5 of this  
30 chapter.

31 (b) The county executive may request the commission to grant an  
32 exemption from the precinct boundary requirements of section 5 of this  
33 chapter to establish a precinct boundary described by this section.

34 (c) The commission shall conduct a hearing on the exemption  
35 request. If the commission determines that the noncompliance cannot  
36 be corrected by the establishment of a precinct that complies with both:

37 (1) the maximum voter requirement of section 3 of this chapter;  
38 and

39 (2) the precinct boundary requirements of section 5 of this  
40 chapter;

41 the commission shall grant the exemption. **However, the commission  
42 may not grant an exemption that violates section 4(1), 4(5), 4(6), or  
43 4(7) of this chapter.**

44 (d) If the commission grants the exemption, the county executive  
45 shall amend the proposed precinct establishment order described by  
46 section 19 of this chapter to establish precinct boundaries:

47 (1) in accordance with the exemption granted by the commission;

1 and

2 (2) that comply with all other requirements established by this  
3 chapter.

4 (e) The proposed precinct establishment order described in  
5 subsection (d) must include a description in metes and bounds of the  
6 boundaries authorized by the exemption granted under this section.

7 SECTION 17. IC 3-11-1.5-23 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) The county  
9 executive shall file a copy of the order issued under section 22 of this  
10 chapter with the co-directors not later than seven (7) days after its  
11 issuance.

12 **(b) The co-directors shall send a copy of the order to the office**  
13 **not later than seven (7) days after the co-directors receive the**  
14 **order.**

15 SECTION 18. IC 3-11-1.5-24 IS AMENDED TO READ AS  
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. (a) The precinct  
17 establishment order becomes effective on the ~~date specified by the~~  
18 ~~commission in its order approving the precinct establishment order. If~~  
19 ~~no date is specified in that order, the precinct establishment order~~  
20 ~~becomes effective on the first date permitted under section 25 of this~~  
21 ~~chapter.~~

22 ~~(b) This subsection applies after December 1, 1998. The~~  
23 ~~commission's order does not become effective until an election division~~  
24 ~~employee designated by the co-directors certifies to the commission~~  
25 ~~that the proposed precinct boundary establishment order has been fully~~  
26 ~~documented on the geographic information system maintained by the~~  
27 ~~election division that sets forth the existing boundaries of all Indiana~~  
28 ~~precincts: first date permitted under section 25 of this chapter.~~

29 **(b) The office shall notify the co-directors of the date the new**  
30 **precinct boundaries were entered into the GIS not later than seven**  
31 **(7) days after the new precinct boundaries are entered into the**  
32 **GIS.**

33 SECTION 19. IC 3-11-1.5-25 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 25. A precinct  
35 establishment order may not become effective during the following  
36 periods:

37 (1) In a year in which ~~precinct committeemen are elected under~~  
38 ~~IC 3-10-1-4.5; a general election is held, the period~~ beginning  
39 on the first day that a declaration of candidacy may be filed under  
40 IC 3-8-2-4 and ending the day following general election day.

41 (2) ~~After January 31 and before the day following general election~~  
42 ~~day, in a year (other than a year described in subdivision (1)) in~~  
43 ~~which a general election is held.~~

44 ~~(3) (2) For precincts located wholly or partially within a~~  
45 ~~municipality, after January 31 and before the day following~~  
46 ~~municipal election day, in a year in which a municipal election is~~  
47 ~~held.~~

(4) Beginning January 1 of the year in which a federal decennial census is taken and ending May 1 of the second year following the year in which the decennial census is taken; unless:

(A) the general assembly elected during the year in which the decennial census is taken enacted laws providing for the apportionment of Indiana into districts for the election of United States Representatives; senators in the general assembly; and representatives in the general assembly; and

(B) all of the laws described in clause (A) take effect before May 1 of the second year following the year in which the decennial census is taken.

If the conditions described in clauses (A) and (B) are met, then the period ends on the latest effective date of any of the laws described in clause (A):

SECTION 20. IC 3-11-1.5-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34. (a) A county executive may issue an order to rename or renumber precincts without establishing new precinct boundaries. An order issued under this section becomes effective when it is filed with the co-directors.

**(b) The co-directors shall send a copy of the order to the office.**

SECTION 21. IC 3-11-1.5-35, AS AMENDED BY P.L.1-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 35. (a) This section applies to a county that has a precinct that crosses a boundary in violation of section 4(5), 4(6), or 4(7) of this chapter.

(b) Notwithstanding section 25 of this chapter, if the county does not issue a precinct establishment order that establishes precincts in compliance with section 4(5), 4(6), and 4(7) of this chapter by the January 31 following the last effective date described in section 25(3) of this chapter, the commission may issue an order establishing precincts as provided under subsection (c).

(c) An order issued by the commission under this section must  
 (1) comply with section 4(5), 4(6), and 4(7) of this chapter. and  
 (2) be issued after January 31 and before February 16 of the year following the last effective date described in section 25(4) of this chapter.

**(d) The co-directors shall send a copy of the commission's order to the office.**

SECTION 22. IC 3-11-1.5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 37. (a) **The co-directors shall notify the office of any errors found in the precinct boundaries depicted in the GIS.**

**(b) The office and the co-directors shall cooperate to resolve any errors found in the GIS.**

SECTION 23. IC 3-12-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) Whenever a

1 candidate is elected to a local office that is commissioned by the  
 2 governor under IC 4-3-1-5, the circuit court clerk shall prepare a  
 3 statement under the clerk's seal specifying the number of votes received  
 4 by each candidate for that office.

5 (b) The statement prepared under subsection (a) must also include  
 6 the number of votes cast for and against the following:

7 (1) The ratification of a state constitutional amendment submitted  
 8 to the electorate.

9 (2) The retention of a justice of the supreme court or a judge of  
 10 the court of appeals or tax court.

11 (3) Each candidate who was declared elected by the county  
 12 election board under IC 3-12-4-9.

13 (c) The clerk shall send or hand deliver the statement to the election  
 14 division not later than noon on the Monday following election day.

15 (d) The election division shall tabulate the votes received under this  
 16 section. Not later than the second Friday after the election, the secretary  
 17 of state shall issue a certificate certifying the following:

18 (1) Each state constitutional amendment ratified or rejected.

19 (2) Each justice or judge retained or removed.

20 (e) The election division shall provide a copy of a certificate  
 21 described by:

22 (1) subsection (d)(1) to the chief justice of the Indiana supreme  
 23 court and the director of the office of code revision of the  
 24 legislative services agency; and

25 (2) subsection (d)(2) to the chief justice of the state.

26 **(f) The election division shall provide a copy of all statements**  
 27 **received under this section to the office.**

28 SECTION 24. IC 3-12-5-5 IS AMENDED TO READ AS  
 29 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) Not later than  
 30 noon on the Monday following an election for governor and lieutenant  
 31 governor, each circuit court clerk shall prepare a certified statement  
 32 under the clerk's seal showing the number of votes each candidate  
 33 received. The clerk shall transmit the statement to the election division.  
 34 The election division shall deliver:

35 **(1) the statement to the speaker of the house of representatives**  
 36 **before the date described in subsection (b); and**

37 **(2) a copy of each statement to the office.**

38 (b) The house of representatives and the senate shall meet in joint  
 39 convention not later than the date specified in Article 5, Section 9 of  
 40 the Constitution of the State of Indiana for the commencement of the  
 41 term of the governor and the lieutenant governor to hear the canvass of  
 42 votes cast for governor and lieutenant governor.

43 (c) The joint convention shall act to resolve any:

44 (1) tie vote, as required under Article 5, Section 5 of the  
 45 Constitution of the State of Indiana; or

46 (2) contest under Article 5, Section 6 of the Constitution of the  
 47 State of Indiana.

(d) The joint rules that governed the house of representatives and senate before the general election govern the joint convention until those rules are amended as provided in those rules.

(e) After resolving any tie or contest, the presiding officer of the joint convention shall certify to the convention that the individuals receiving the most votes according to the canvass have been elected governor and lieutenant governor.

SECTION 25. IC 3-12-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Not later than noon on the Monday following an election, each circuit court clerk shall prepare a certified statement under the clerk's seal of the number of votes received by each candidate for:

- (1) federal office;
- (2) state office;
- (3) legislative office; and
- (4) a local office for which a declaration of candidacy must be filed with the election division under IC 3-8-2.

(b) The clerk shall send the statements by certified mail, return receipt requested, or hand deliver the statements to the election division.

**(c) The election division shall provide a copy of each statement to the office.**

SECTION 26. IC 3-12-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8. (a) If, not later than the final date and hour for filing a recount or contest petition under IC 3-12, a circuit court clerk files a correction with the election division that amends a certified statement under section 6 of this chapter and the amendment results in a different candidate receiving the highest number of votes for an office, the election division shall immediately notify the governor **and the office** of the amendment.

(b) If no errors are found by the final date and hour for filing a recount or contest under IC 3-12 and not later than noon on the first Tuesday in December following the election, the governor shall prepare the candidate's commission for each candidate certified under section 7 of this chapter.

(c) Immediately upon preparing the commissions under subsection (b), the governor shall deliver the commissions to the election division. Not later than the second Tuesday in December, the election division shall transmit the commission to each candidate at the address set forth in the declaration of candidacy filed with the division, or to any more recent address furnished to the division by the candidate.

SECTION 27. IC 3-12-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. (a) As soon as practical, but no later than noon on the Monday following an election for a legislative office, each circuit court clerk shall:

- (1) prepare a certified statement under the clerk's seal specifying the number of votes received in the county by each candidate for



1 legislative office; and

2 (2) send the statement by certified mail, return receipt requested,  
3 or hand deliver the statement to the election division.

4 **(b) The election division shall provide a copy of each statement**  
5 **to the office.**

6 SECTION 28. IC 3-12-6-22, AS AMENDED BY P.L.38-1999,  
7 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2001]: Sec. 22. (a) When a recount is completed by a  
9 commission appointed under this chapter, the commission shall:

10 (1) make and sign a certificate showing the total number of votes  
11 received in the precincts by each candidate for nomination or  
12 election to the office;

13 (2) state in its certificate the candidate who received the highest  
14 number of votes in the precincts for nomination or election to the  
15 office and by what plurality; and

16 (3) file its certificate with the circuit court clerk.

17 (b) The circuit court clerk shall:

18 (1) enter the certificate in the order book of the court;

19 (2) file a copy of the certificate in the minutes of the county  
20 election board; and

21 (3) if the recount concerned an office for which a declaration of  
22 candidacy must be filed with the election division under IC 3-8-2,  
23 file a copy of the certificate with the election division not later  
24 than seven (7) days after the date the recount commission filed  
25 the certificate with the clerk of the circuit court.

26 **(c) If a certificate is filed with the election division under**  
27 **subsection (b), the election division shall provide a copy of the**  
28 **certificate to the office.**

29 SECTION 29. IC 3-12-6-28, AS AMENDED BY P.L.38-1999,  
30 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
31 JULY 1, 2001]: Sec. 28. (a) A circuit court clerk shall immediately  
32 transmit a certificate prepared under section 27 of this chapter showing  
33 the votes cast for nomination or election to an office to the election  
34 division if the recount concerned an office for which a declaration of  
35 candidacy must be filed with the election division under IC 3-8-2.

36 **(b) The election division shall provide a copy of a certificate**  
37 **transmitted to the election division under this section to the office.**

38 SECTION 30. IC 3-12-6-31 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 31. (a) The circuit  
40 court clerk shall transmit the certificate prepared under section 30 of  
41 this chapter to the election division, the county election board or other  
42 public official authorized by this title to issue:

43 (1) a certificate of nomination under IC 3-8-7;

44 (2) a certificate of election under IC 3-10-7-34 or IC 3-12-5-2; or

45 (3) a commission for the office under IC 4-3-1-5.

46 **(b) The election division shall provide a copy of a certificate**  
47 **transmitted to the election division under this section to the office.**

1 SECTION 31. IC 3-12-8-17.5 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17.5. (a) After a special  
 3 election ordered under section 17 of this chapter is conducted, the  
 4 county election board shall issue a corrected canvass of the votes. The  
 5 corrected canvass must substitute the votes cast in the special election  
 6 in a precinct for each candidate for the votes cast for that candidate in  
 7 that precinct during the contested election. The board shall add the  
 8 substituted vote totals to the votes cast for each candidate in each  
 9 precinct in which the special election was not conducted.

10 (b) The board or circuit court clerk shall then issue a certificate of  
 11 election under IC 3-12-4-9 or IC 3-12-5-2 and file a copy of the  
 12 certificate with the election division. If the contest was for an office  
 13 commissioned by the governor, the election division shall forward a  
 14 copy of the certificate to the governor for the issuance of a commission  
 15 under IC 4-3-1-5.

16 **(c) The election division shall provide a copy of the corrected**  
 17 **canvass of the votes to the office.**

18 SECTION 32. IC 3-12-11-23 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) If a recount is  
 20 made:

- 21 (1) in a presidential primary election;
- 22 (2) for nomination to a federal, state, or legislative office in a
- 23 primary election;
- 24 (3) in an election to a federal office; or
- 25 (4) in an election to a state office other than governor and
- 26 lieutenant governor;

27 the election division shall determine whether the votes in the precincts  
 28 shown by the recount certificate differ from the votes that were  
 29 tabulated by any county election board. If the election division  
 30 previously included in a tabulation the votes cast for the office as  
 31 returned by the county election board, the election division shall  
 32 correct the tabulation in accordance with the certificate.

33 **(b) The election division shall provide a copy of the corrected**  
 34 **tabulation for each precinct to the office.**

35 SECTION 33. IC 3-12-12-23 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 23. (a) This section  
 37 applies to a recount of:

- 38 (1) a public question concerning the ratification of a state
- 39 constitutional amendment or the retention of a justice of the
- 40 Indiana supreme court or judge of the Indiana court of appeals; or
- 41 (2) another public question voted on by the electorate of the entire
- 42 state.

43 (b) A circuit court clerk shall immediately transmit a certificate  
 44 prepared under section 22 of this chapter to the election division.

45 (c) Upon tabulation of the returns under this section by the election  
 46 division, the secretary of state shall issue a certificate declaring the  
 47 public question approved or rejected.

1       **(d) The election division shall provide to the office the results of**  
 2       **the recount in each precinct in which a recount was conducted.**

3       SECTION 34. IC 36-4-3-19, AS AMENDED BY P.L.217-1999,  
 4       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5       JULY 1, 2001]: Sec. 19. (a) If disannexation is ordered under this  
 6       chapter by the works board of a municipality and no appeal is taken,  
 7       the clerk of the municipality shall, without compensation and not later  
 8       than ten (10) days after the order is made, make and certify a complete  
 9       transcript of the disannexation proceedings to the auditor of each  
 10      county in which the disannexed lots or lands lie and to the office of the  
 11      secretary of state. The county auditor shall list those lots or lands  
 12      appropriately for taxation. The proceedings of the works board shall not  
 13      be certified to the county auditor or to the office of the secretary of  
 14      state if an appeal to the circuit court has been taken.

15      (b) In all proceedings begun in or appealed to the circuit court, if  
 16      vacation or disannexation is ordered, the clerk of the court shall  
 17      immediately after the judgment of the court, or after a decision on  
 18      appeal to the supreme court or court of appeals if the judgment on  
 19      appeal is not reversed, certify the judgment of the circuit court, as  
 20      affirmed or modified, to **each of the following:**

- 21       (1) The auditor of each county in which the lands or lots affected
- 22       lie, on receipt of one dollar (\$1) for the making and certifying of
- 23       the transcript from the petitioners for the disannexation.
- 24       (2) The office of the secretary of state.
- 25       (3) The circuit court clerk of each county in which the lands or
- 26       lots affected are located.
- 27       (4) The county election board of each county in which the lands
- 28       or lots affected are located. ~~and~~
- 29       (5) If a board of registration exists, the board of each county in
- 30       which the lands or lots affected are located.

31      **(6) The office of census data established by IC 2-5-1.1-12.**

32      (c) The county auditor shall forward a list of lots or lands  
 33      disannexed under this section to the following:

- 34       (1) The county highway department of each county in which the
- 35       lands or lots affected are located.
- 36       (2) The county surveyor of each county in which the lands or lots
- 37       affected are located.
- 38       (3) Each plan commission, if any, that lost or gained jurisdiction
- 39       over the disannexed territory.
- 40       (4) The township trustee of each township that lost or gained
- 41       jurisdiction over the disannexed territory.
- 42       (5) The sheriff of each county in which the lands or lots affected
- 43       are located.
- 44       (6) The office of the secretary of state.

45      **(7) The office of census data established by IC 2-5-1.1-12.**

46      The county auditor may require the clerk of the municipality to furnish  
 47      an adequate number of copies of the list of disannexed lots or lands or

1 may charge the clerk a fee for photoreproduction of the list.

2 (d) A disannexation described by this section takes effect upon the  
3 clerk of the municipality filing the order with:

4 (1) the county auditor of each county in which the annexed  
5 territory is located; and

6 (2) the circuit court clerk, or if a board of registration exists, the  
7 board of each county in which the annexed territory is located.

8 (e) The clerk of the municipality shall notify the office of the  
9 secretary of state **and the office of census data established by**  
10 **IC 2-5-1.1-12** of the date a disannexation is effective under this  
11 chapter.

12 (f) A disannexation order under this chapter may not take effect  
13 during the year preceding a year in which a federal decennial census is  
14 conducted. A disannexation order that would otherwise take effect  
15 during the year preceding a year in which a federal decennial census is  
16 conducted takes effect January 2 of the year in which a federal  
17 decennial census is conducted.

18 SECTION 35. IC 36-4-3-22, AS AMENDED BY P.L.14-2000,  
19 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2001]: Sec. 22. (a) The clerk of the municipality shall do the  
21 following:

22 (1) File each annexation ordinance against which a remonstrance  
23 or an appeal has not been filed during the period permitted under  
24 this chapter or the certified copy of a judgment ordering an  
25 annexation to take place with **each of the following:**

26 (A) The county auditor of each county in which the annexed  
27 territory is located.

28 (B) The circuit court clerk of each county in which the  
29 annexed territory is located.

30 (C) If a board of registration exists, the registration board of  
31 each county in which the annexed territory is located. **and**

32 (D) The office of the secretary of state.

33 **(E) The office of census data established by IC 2-5-1.1-12.**

34 (2) Record each annexation ordinance adopted under this chapter  
35 in the office of the county recorder of each county in which the  
36 annexed territory is located.

37 (b) The copy must be filed and recorded no later than ninety (90)  
38 days after:

39 (1) the expiration of the period permitted for a remonstrance or  
40 appeal; or

41 (2) the delivery of a certified order under section 15 of this  
42 chapter.

43 (c) Failure to record the annexation ordinance as provided in  
44 subsection (a)(2) does not invalidate the ordinance.

45 (d) The county auditor shall forward a copy of any annexation  
46 ordinance filed under this section to the following:

47 (1) The county highway department of each county in which the

- 1 lots or lands affected are located.
- 2 (2) The county surveyor of each county in which the lots or lands
- 3 affected are located.
- 4 (3) Each plan commission, if any, that lost or gained jurisdiction
- 5 over the annexed territory.
- 6 (4) The sheriff of each county in which the lots or lands affected
- 7 are located.
- 8 (5) The township trustee of each township that lost or gained
- 9 jurisdiction over the annexed territory.
- 10 (6) The office of the secretary of state.
- 11 **(7) The office of census data established by IC 2-5-1.1-12.**
- 12 (e) The county auditor may require the clerk of the municipality to
- 13 furnish an adequate number of copies of the annexation ordinance or
- 14 may charge the clerk a fee for photoreproduction of the ordinance. The
- 15 county auditor shall notify the office of the secretary of state **and the**
- 16 **office of census data established by IC 2-5-1.1-12** of the date that the
- 17 annexation ordinance is effective under this chapter.
- 18 (f) The county auditor shall, upon determining that an annexation
- 19 ordinance has become effective under this chapter, indicate the
- 20 annexation upon the property taxation records maintained in the office
- 21 of the auditor."
- (Reference is to EHB 1776 as printed April 18, 2001.)

---

Senator MILLER